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9 *Attorneys for Defendants*

10  
11  
12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF NEVADA  
14  
15

16 CARLOS LAPERRY SMITH, an individual  
17 Plaintiff,

18 v.  
19

20 JAIME SANCHEZ, an individual; OLD  
21 DOMINION FREIGHT LINE, INC., a  
22 Foreign Corporation; DOES 1 through 10,  
23 inclusive; and ROE BUSINESS ENTITIES 1  
24 through 10, inclusive,

25 Defendants

26 CASE NO: 2:24-cv-00756-CDS-DJA

27  
28 **STIPULATION AND (~~PROPOSED~~)  
ORDER TO EXTEND DISCOVERY  
DEADLINES  
(First Request)**

1 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff CARLOS  
2 LAPERRY SMITH and Defendants JAIME SANCHEZ and OLD DOMINION FREIGHT LINE,  
3 INC., by and through their respective counsel of record, that the discovery deadlines shall be  
4 extended, pursuant to FRCP(b) and LR 26-3. The parties have stipulated and agreed to extend the  
5 current discovery and dispositive motion deadlines by sixty (60) days.

6  
7 **I. DISCOVERY COMPLETED**

8 The following discovery has been completed to date.  
9  
10

1. Defendant Old Dominion Freight Line served its First Set of Interrogatories and  
2 Requests for Production to Plaintiff on May 28, 2024;
3. Old Dominion Freight Line served its Initial FRCP 26(a)(1) Disclosures on May 30,  
4 2024;
5. Plaintiff served his Responses to Old Dominion Freight Line's First Set of  
6 Interrogatories and Requests for Production of Documents on July, 8, 2024;
7. Plaintiff served his Initial Disclosures Pursuant to FRCP 26(a)(1) on July 8, 2024; and  
8
5. Defendants began requesting Plaintiff's medical and billing records from his providers  
on July 18, 2024, and are still awaiting responses to those requests.

## 9 **II. DISCOVERY TO BE COMPLETED**

10 The discovery that remains to be completed includes, but is not limited to:

- 11 1. Deposition of Plaintiff Carlos Lappery Smith, scheduled for November 13, 2024;
- 12 2. Deposition of Defendant Jaime Sanchez;
- 13 3. Obtain complete copies of medical and billing records from Plaintiff's health care  
14 providers;
- 15 4. Disclosure of initial and rebuttal expert witnesses;
- 16 5. Deposition of disclosed expert witnesses; and  
17
- 18 6. Any other discovery that may become necessary as litigation continues.

## 19 **III. CURRENT SCHEDULE FOR COMPLETING DISCOVERY**

20 Close of Discovery:	January 14, 2025
21 Amendment of Pleading and Adding Parties:	October 16, 2024
22 Initial Expert Disclosures:	November 15, 2024
23 Rebuttal Expert Disclosures:	December 16, 2024
24 Final Date to File Dispositive Motions:	February 14, 2025

25 . . .

#### **IV. PROPOSED SCHEDULE OF DISCOVERY**

Close of Discovery:	March 14, 2025
Amendment of Pleading and Adding Parties:	Closed
Initial Expert Disclosures:	January 14, 2025
Rebuttal Expert Disclosures:	February 14, 2025
Final Date to File Dispositive Motions:	April 16, 2025

## V. REASONS THAT DISCOVERY HAS NOT BEEN COMPLETED

Good cause exists for the extension of the close of discovery and dispositive motion deadlines. While the parties have been diligent in their discovery efforts as shown above, the parties have insufficient time to identify and disclose expert witnesses prior to the current November 15, 2024, initial expert disclosure deadline.

The deposition of Plaintiff Carlos Lappery Smith was originally noticed for September 25, 2024; however, Defendants requested that the deposition be continued due to a trial conflict. Counsel for Defendants was in trial from September 3 through September 25, 2024, in the matter of *Henry v. Marshall, et al.*, Case No. A-20-811416-C in the Eighth Judicial District Court for Clark County, Nevada. The next mutually agreeable date for Mr. Smith and all counsel was November 13, 2024, and Mr. Smith's deposition was therefore continued to that date. The parties will require time after Mr. Smith's deposition to identify and disclose expert witnesses. Specifically, Defendants will not have sufficient information regarding Mr. Smith's current medical status and potential ongoing or future treatment until that deposition is concluded. The parties therefore seek to extend the discovery deadlines for sixty (60) days.

1 For the reasons stated above, the parties respectfully request this Court approve the instant  
2 Stipulation and enter its proposed Order granting same. The proposed, extended discovery deadlines  
3 as stated above are **STIPULATED AND AGREED.**

4 Dated this 9<sup>th</sup> day of October 2024.

5 **MESSNER REEVES LLP**

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7   
8 KARIE N. WILSON, ESQ.  
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11 8945 West Russell Road, Suite 300  
12 Las Vegas, Nevada 89148  
13 702-383-5100 Phone  
14 Attorney for Defendants

Dated this 9<sup>th</sup> day of October 2024.

5 **RALPH A. SCHWARTZ, P.C.**

6  
7 */s/ Ralph A. Schwartz, Esq.*  
8 RALPH A. SCHWARTZ, ESQ.  
9 Nevada Bar No. 5488  
10 [mail@888law1.com](mailto:mail@888law1.com)  
11 [rschwartz@888law1.com](mailto:rschwartz@888law1.com)  
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13 Las Vegas, Nevada 89101  
14 702-888-5291 Telephone  
15 Attorney for Plaintiff

16 **ORDER TO EXTEND DISCOVERY**

17 **IT IS SO ORDERED subject to the following modification.** The parties' schedule  
18 fails to include a deadline for filing their joint pretrial order. Accordingly, the deadline  
19 to file the Joint Pretrial Order is **May 16, 2025**. If dispositive motions are filed, the  
20 deadline for filing the joint pretrial order will be suspended until 30 days after decision  
21 on the dispositive motions or further court order.

22 DATED this 9th day of October 2024

23  
24   
25 DANIEL J. ALBREGTS  
26 UNITED STATES MAGISTRATE JUDGE

## **CERTIFICATE OF ELECTRONIC SERVICE**

I certify that on the 9<sup>th</sup> day of October, 2024, service of the above and foregoing

**STIPULATION AND (PROPOSED) ORDER TO EXTEND DISCOVERY DEADLINES (First**

**Request**) was made by electronically filing a true and correct copy of the same to each party addressed as follows:

Ralph A. Schwartz, Esq.  
Nevada Bar No. 5488  
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*Attorneys for Plaintiff*

/s/ Nancy Amaya  
An employee of MESSNER REEVES LLP

**Nancy Amaya**

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**From:** Jamie Ulibarri <julibarri@888law1.com>  
**Sent:** Wednesday, October 9, 2024 2:32 PM  
**To:** Karie Wilson; Ralph Schwartz  
**Cc:** Michele Schwartz; Karina Rangel; Nancy Amaya; Veronica Pacheco  
**Subject:** RE: Old Dominion & Sanchez adv. Smith

**[EXTERNAL EMAIL ]**

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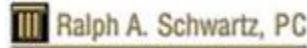
Good afternoon Ms. Wilson,

Per Mr. Schwartz, stipulation is approved, and you may add his e-signature.

Thank you,

**Jamie Ulibarri**

**Paralegal**



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**From:** Karie Wilson <KWilson@messner.com>  
**Sent:** Wednesday, October 9, 2024 12:02 PM  
**To:** Jamie Ulibarri <julibarri@888law1.com>; Ralph Schwartz <RSchwartz@888LAW1.COM>  
**Cc:** Michele Schwartz <mschwartz@888LAW1.COM>; Karina Rangel <krangel@888law1.com>; Nancy Amaya <NAmaya@messner.com>; Veronica Pacheco <VPacheco@messner.com>  
**Subject:** RE: Old Dominion & Sanchez adv. Smith

**CAUTION:** This email originated from outside of the organization. Be cautious when opening attachments or clicking links.

Thank you, Jamie. The proposed stipulation to extend discovery is attached. Please let me know if Mr. Schwartz has any proposed changes or additions, or if we may include his e-signature for filing.

**KARIE N. WILSON**

Partner

**Messner Reeves LLP**

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**From:** Jamie Ulibarri <[julibarri@888law1.com](mailto:julibarri@888law1.com)>  
**Sent:** Wednesday, October 9, 2024 10:15 AM  
**To:** Karie Wilson <[KWilson@messner.com](mailto:KWilson@messner.com)>; Ralph Schwartz <[RSchwartz@888LAW1.COM](mailto:RSchwartz@888LAW1.COM)>  
**Cc:** Michele Schwartz <[mschwartz@888LAW1.COM](mailto:mschwartz@888LAW1.COM)>; Karina Rangel <[krangel@888law1.com](mailto:krangel@888law1.com)>; Nancy Amaya <[NAmaya@messner.com](mailto:NAmaya@messner.com)>; Veronica Pacheco <[VPacheco@messner.com](mailto:VPacheco@messner.com)>  
**Subject:** RE: Old Dominion & Sanchez adv. Smith

**[ EXTERNAL EMAIL ]**

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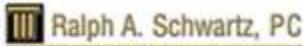
Good morning Ms. Wilson,

Mr. Schwartz is agreeable to the 60-day extension.

Please let us know if you have any questions.

Thank you,

**Jamie Ulibarri**  
Paralegal



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